APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,815	07/12/2006	Kuk-hyun Han	Q95632	6267

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EXAMINER
HANCE, ROBERT J

ART UNIT	PAPER NUMBER
2421	

NOTIFICATION DATE	DELIVERY MODE
11/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/585,815	Applicant(s) HAN ET AL.	
	Examiner ROBERT HANCE	Art Unit 2421	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>15 November 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

  b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b)☐ They raise the issue of new matter (see NOTE below);

  (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: _____.

  Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant argues on pages 3-4 of the Remarks that the combination of references does not disclose outputting a selected channel if a calculated preference degree for the channel does not satisfy the predetermined reference and a predetermined pattern of channel change inputs is received. Applicant states that this is the case because in the combined system, a channel list is switched to without first calculating a preference degree. Examiner respectfully disagrees. In the combined system of Yamamoto, Soundararajan, and Yuen, a user is able to switch between skip lists by entering a predetermined pattern of inputs. When the user enters this predetermined pattern, then subsequently channel surfs, channels that were not on the previous list can be tuned. When a NEW list is being used (i.e. a predetermined pattern of inputs has been received), and a channel is subsequently selected, a preference degree is calculated for the selected channel, and that channel is tuned to when its preference degree does not satisfy "the predetermined reference", wherein the predetermined reference is the criteria applied to the PREVIOUS list. In other words, the combination of references meets the claim limitations when the predetermined pattern of inputs is received PRIOR to the selection of a channel. The claims as presented do not require that the predetermined pattern of channel change inputs be received after the channel is selected.

Applicant argues on pages 5-6 that the combination of references does not disclose "calculating a preference degree for a channel selected in response to a channel change input and providing the content of the selected channel if the calculated preference degree satisfies a predetermined reference." Examiner respectfully disagrees. Yamamoto discloses in [0048]-[0051] and Fig. 7 that when a channel is selected, it is determined if that channel is present on a channel map. This channel map is a reflection of a user's preference; therefore determination of a channel's presence on this map is a calculation of a preference degree for that channel. A channel that is present on the list will have a preference degree that satisfies a predetermined reference, while an absent channel's preference degree will not.

Applicant argues on pages 6-7 that "Examiner has not provided any reason to combine the alleged accumulation of times disclosed in Soundararajan with the skip list disclosed in Yamamoto." Examiner respectfully disagrees. The motivation to combine Yamamoto and Soundararajan was provided in the rejection of claim 1, in which it was stated that a skilled artisan would be motivated to combine the references in order to allow users to have more control over how channels are surfed. A skilled artisan would have recognized that Yamamoto could have been advantageously modified with Soundararajan by dynamically determining which channels are to be placed in the skip lists. In this combined system, accumulation of times spent at a channel is a determination of that channel's preference degree, as well as whether or not the channel is placed in the skip list of Yamamoto.